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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,678	12/08/2003	Thomas P. Warner	WS-0001	5721

7590

08/10/2005

John Buckert  
36612 Tulane Drive  
Sterling Heights, MI 48312

EXAMINER

WILSON, JOHN J

ART UNIT PAPER NUMBER

3732

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/730,678	Applicant(s) WARNER, THOMAS P.	
	Examiner John J. Wilson	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-18, 20 and 22-30 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-5, 7-18, 20 and 22-30 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 12-17, 20, 22-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beier et al (4571681) in view of Murry et al (4156127). Beier shows a system for controlling devices shown in the figure, a foot pedal 16, 75, a processor including memory, data routers, summing circuit and a micro processor 61. This processor system is operationally associated with 16 and 75, the association being shown in the sole Figure. The system determines which instrument is selected and generates and transmits over lines a different signal depending on the device that is selected, column 6, lines 12-25. Beier does not show a remote controller. Murry teaches that it is a known alternative to use a foot pedal that is either wired, Fig. 3, or remote, Fig. 2 and column 14, lines 19-46. It would be obvious to one of ordinary skill in the art to modify Beier to include a remote controller as shown by Murry in order to make use of art known alternatives to control medical equipment without being restricted by wires. While Beier shows using a general type processor for the overall system, the use of microprocessors are well known. To use a microprocessor would be an obvious matter of choice in the known sizes of processors used to one of ordinary skill in the art. As to claims 4 and 6, Beier teaches using microprocessors for control circuitry as is well known. As to claims 12-14, Beier teaches a position sensor in the form of a potentiometer, column 5, lines 17-47. The specific number of

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different signals used and type of signals is an obvious matter of choice in the specific controls desired to the skilled artisan. Foot pedals are known to have movable members. As to claims 29 and 30, Beier also teaches activation and deactivation using threshold value indicators, column 6, lines 54-66. To use time in a threshold evaluation is an obvious matter of choice in the use of well known threshold parameters to the skilled artisan.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beier et al (4571681) in view of Murry et al (4156127) as applied to claim 6 above, and further in view of Jones et al (4114275). The above combination does not show using a pneumatic valve switch. Jones teaches that it is known to use pneumatic valve switches for controls. It would be obvious to one of ordinary skill in the art to modify the above combination to include a pneumatic valve as shown by Jones in order to best control the devices in the desired manner.

Claims 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beier et al (4571681) in view of Murry et al (4156127) as applied to claims 1 and 22 above, and further in view of Fornoff et al (5931669). The above combination does not show using a video board. Fornoff teaches using a camera and freezing video, column 4, lines 21-37. It would be obvious to one of ordinary skill in the art to modify the above combination to include a using a camera and system that allows for video to be frozen as shown by Fornoff in order to better see the work site. It is well known to the skilled artisan to use a video board to capture stills.

***Response to Arguments***

Applicant's arguments filed June 15, 2005 have been fully considered but they are not persuasive. The difference between processors and microprocessors is merely size and they are both well known. Associating processor elements with a foot pedal is held to be shown because of the broad meaning of the terminology associated with.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at 571-272-4720). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**John J. Wilson**  
**Primary Examiner**  
**Art Unit 3732**

jjw  
August 5, 2005